

REMARKS

The application has been amended and is believed to be in condition for allowance.

The claims have been amended to remedy the stated bases of rejection under section 112, second paragraph.

No new matter is entered by way of the claim amendments.

Withdrawal of the objections and section 112 rejection is solicited.

Claims 11, 15-18, and 19-24 stand rejected as anticipated by DRAGE 6,663,174.

Claim 12 stands rejected as obvious in further view of O'CONNOR 5,655,459.

Claim 13 stands rejected as obvious in further view of SATTERFIELD 6,807,690.

Claim 14 is rejected as obvious over STOL and EHRENREICH 2003/0121123.

Applicant appreciates the DRAGE drawing figure provided in the Official Action, page 3. A further annotated copy of Figure 5 is attached, which figure shows the present invention and the DRAGE device in opposed open position.

In DRAGE, the side member 5' has to rotate and be inclined to form the sear 21' and 20' (Figure 5).

In the present invention, the pair of upright supports are not displaced and stay vertical at all times.

The Official Action reads the recited "pair of upright supports (1)," onto the uprights parts of DRAGE frame 1' of Figures 4-5.

The Official Action reads the recited "an upper panel and a lower panel (3) attached the frame (2);" onto upper panel 20' and lower panel 21', referencing Figures 4-5.

The Official Action reads the recited "a quadrilateral articulated frame (2) composed of rods (2a, 2b, 2c)," onto DRAGE without specifically identifying corresponding elements of DRAGE but with an annotated part of Figure 5 marked to show a stationary frame rod and a lower frame rod (Official Action page 3, bottom). Further, on page 4, the phrase "an upper two of the rods" is read onto side members 5' (should be side members 5', 6'), and "a lower two of the rods" is read onto the "(lower frame rod) extending away from the upright supports".

Thus, it would seem that side members 5', 6' and the indicted lower frame rod are being used to satisfy the articulated frame composed of rods. However, for the claim 15 recitation of "wherein the rods (2b) of the frame are hinged to the vertical structure (1) by pins (9, 11)", the Official Action, at page 4, states that "the rods are hinged to the vertical structure by pins. (32)".

"Pins" 32 slidably connect the lower frame rod to the side members 5', 6'. If the side members 5', 6' are rods forming the frame, then the pins 32 hinge the lower frame rods to other rods (side members 5', 6') and not to the vertical structure, amended to recite upright supports in claim 15.

The rejection thus appears to be consistent.

Claim 11 has been amended, and as amended is clearly both novel and non-obvious.

The prior art does not show or teach: a quadrilateral articulated frame (2) composed of rods (2a, 2b, 2c), a lower pair of the rods respectively hinged to the upright supports at a lower part of the upright supports, and an upper pair of the rods respectively hinged to the upright supports at an upper part of the upright supports, where said frame (2) being adapted to allow the vertical structure to act i) as a seat with the lower and the upper pairs of the rods (2b) of the frame (2) oriented perpendicular to the upright supports (1) and ii) as a partition screen with the lower and the upper pairs of rods (2b) and the upright supports coinciding and the upper panel (3) and the lower panel being coplanar.

The prior art further does not show or teach:

1) wherein the lower and the upper pairs of the rods (2b) of the frame are hinged to the upright supports (1) by pins (9, 11), and

2) the pair of upright supports (1) remain vertical and non-displaced during operation of the structure while the frame is displaced between a first configuration acting as the seat and a second configuration acting as the partition screen (claim 15).

The prior art further does not show or teach, as per claim 16, wherein lower pair of the rods (2b) is hinged with a stationary rod (15), the stationary rod connected transversely to the upright supports.

Claim 23 is also patentable for the reasons discussed above and to claims 11 and 15.

Allowance of the independent claims is solicited, together with the dependent claims.

Without prejudice, there is no need to address the remaining rejections as the dependent claims are allowable at least for depending from an allowable claim.

Allowance of the case is solicited.

In view of the above, the amendment is believed to be fully responsive.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item(s):

- annotated Figure 5 of US 6,663,174

U.S. Patent

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